

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 6. DEPARTMENT OF ECONOMIC SECURITY DEVELOPMENTAL DISABILITIES

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1829.) The Governor's Office authorized the notice to proceed through the rulemaking process on March 1, 2011.

[R11-129]

PREAMBLE

1. Sections Affected

R6-6-2113

Rulemaking Action

Repeal

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 41-1954(A)(1)(h)

Implementing statutes: A.R.S. §§ 36-557 and 36-2959

3. A list of all previous notices appearing in the *Register* addressing the proposed rule:

Notice of Rulemaking Docket Opening: 17 A.A.R. 1309, July 15, 2011

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Beth Broeker

Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005

or

Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

Telephone: (602) 542-6555

Fax: (602) 542-6000

E-mail: bbroeker@azdes.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The proposed rulemaking is a result of a Five-year Review Report, in which the Department recommended that R6-6-2113 be repealed since it is no longer enforced.

6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Notices of Proposed Rulemaking

Not applicable

8. The preliminary summary of the economic, small business and consumer impact:

Not applicable, as pursuant to A.R.S. § 41-1055(D)(3), an agency is not required to prepare an EIS for a rulemaking that decreases monitoring, recordkeeping or reporting burdens on agencies.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Beth Broeker

Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005

or

Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

Telephone: (602) 542-6555

Fax: (602) 542-6000

E-mail: bbroeker@azdes.gov

10. The time, place and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:

The Department will accept public comment for at least 30 days following publication in the *Arizona Administrative Register*.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 6. DEPARTMENT OF ECONOMIC SECURITY
DEVELOPMENTAL DISABILITIES

ARTICLE 21. DIVISION PROCUREMENT AND RATE SETTING - QUALIFIED VENDORS

Section

R6-6-2113. ~~Transition to the Qualified Vendor Process~~ Repealed

ARTICLE 21. DIVISION PROCUREMENT AND RATE SETTING - QUALIFIED VENDORS

R6-6-2113. ~~Transition to the Qualified Vendor Process~~ Repealed

- A.** ~~Prior to July 1, 2003, the Division shall review the ISPs for all consumers receiving community developmental disability services and shall review the Qualified Vendor Agreements to determine if the current provider is a Qualified Vendor and can meet the consumer's needs based on the consumer's ISP and the services described in the Qualified Vendor Agreement.~~
- B.** ~~The current provider of service shall provide written assurances to the Division in a manner prescribed by the Division confirming that the consumer's needs, as described in the ISP, are being met.~~
- C.** ~~The Division shall issue an authorization effective July 1, 2003 to the current provider if it is determined that the program plan matches the consumer needs as defined in the ISP, the current provider is a Qualified Vendor and the current provider provides written assurance that the consumer's needs, as described in the ISP, are being met.~~
- D.** ~~The Division shall post to its web site a Vendor Call for Services and notify Qualified Vendors via list serv if it determines that the current provider cannot continue to meet the needs of the consumer based on the ISP, that the current provider is not a Qualified Vendor, or the current provider does not provide written assurance that the consumer's needs, as described in the ISP, are being met.~~